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In re Application of:

Saito et al.

Application No. 09/706,301

Group Art Unit: 1644

Filed: November 3, 2000

Examiner: G. R. Ewoldt

For: OIL ADJUVANT VACCINE

RESPONSE TO COMMUNICATION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Communication dated July 1, 2002, please consider the following remarks.

The Communication requests that applicants elect a single, *specific* species that represents each component elected in the previous response for components (A), (B), and (D).

Further to applicants' Response to Office Action, dated March 25, 2002, applicants elect the following specific species of the indicated components:

Oil Component (A): "fatty acid ester derived from ... unsaturated long chain fatty acid such as oleic acid and linolic acid and alcohol" (specification, page 5, lines 17-22), more particularly a fatty acid ester derived from oleic acid and alcohol (if such a more particular species is required to be selected)

Emulsifier (B): "partial ester of polyhydric alcohol and fatty acid, such as sorbitan fatty acid ester ..., glycerol fatty acid ester ..., polyglycerol fatty acid ester" (specification, page 6, lines 23-28), more particularly sorbitan oleic acid ester (oleate) (if such a more particular species is required to be selected)

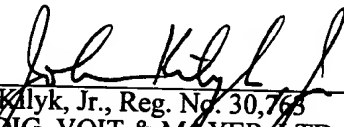
Emulsifier (D): "non-ionic surfactant having a polyoxyethylene chain in a molecule and having an HLB of not less than 10, such as polyoxyethylene sorbitan fatty acid ester(s)" (specification, page 8, lines 12-14), more particularly polyoxyethylene sorbitan oleic acid ester (oleate) (if such a more particular species is required to be selected)

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Claims 1-15 are generic to (i.e., encompass) the aforementioned specific species. This election is with traverse for the reasons previously provided by applicants.

While applicants have elected the above specific species in response to the Communication, the election merely is intended to aid the Examiner in the search and examination of the instant patent application. The election is by no means indicative of the applicants' willingness to ultimately limit the invention to these species. Applicants understand that, consistent with an election of species requirement, other species will be considered within the "generic" claims encompassing the elected species upon an indication of allowable subject matter with respect to the elected species. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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Date: July 30, 2002

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO COMMUNICATION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: July 30, 2002

